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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,785	08/29/2000	Kenrick Rampersad	MITT-CON	9876

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EXAMINER

NGUYEN, SON T

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/649,785

Applicant(s)

RAMPERSAD, KENRICK

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 5,12,16-34 have been canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3,6,8-11,13,15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Myren (US 3,778,172) in view of Sullins (US 2,663,890).

Regarding claim 1, Myren discloses a grooming and washing mitt comprising a hollow flexible body 20 having a flexible rear side co-extensive with a flexible palm side cleaning surface and a separate hollow thumb portion 22 extending therefrom; a built-in fluid reservoir 26 extending within the body from a distal fingertip end to a proximal wrist end adjacent to an open end of the body, the reservoir having a plurality of discharge ports 25, 27 openable upon flexing of the mitt (see col. 4, lines 5-13 where Myren discloses that the fluid discharge ports normally remain closed unless a user force the fluid onto the palm side of the mitt); a predetermined denser pattern of flexible nibs 10 on the palm side, the nibs extending axially from the distal fingertip end to the proximal wrist end of the mitt and extending medially along a mid-line of the mitt. However, Myren is silent about the retaining reservoir extending continuously within the body from a top of a distal fingertip end to a bottom of a proximal wrist end adjacent to the open end of the body. Sullins teaches a car washing glove that can be used for washing a

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pet comprising a built-in fluid retaining reservoir 26 extending continuously within a hollow flexible body 10 from a top of a distal fingertip end (see fig. 2 where the chamber 26 extends all the way to the tip of the glove near refs. 28,20,44,46) to a bottom of a proximal wrist end (see fig. 2 where the chamber 26 extends all the way back to the wrist area near refs. 22,40) adjacent to an open end of the body so as to contain washing fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a retaining reservoir that extends from the top near the fingertip area to the wrist area as taught by Sullins in the mitt body of Myren in order to hold more fluid and distribute the fluid evenly throughout the mitt/glove.

Regarding claim 2, Myren as modified by Sullins (emphasis on Myren) further discloses the plurality of discharge ports extends through a large portion of the palm side of the mitt.

Regarding claim 3, Myren as modified by Sullins (emphasis on Myren) further discloses in col. 4, lines 5-13, that the discharge ports normally remain closed when no internal pressure is built up and the palm is kept essentially flat, but open when the palm side is flexed in a concave configuration.

Regarding claim 6, Myren as modified by Sullins (emphasis on Myren) further discloses a reservoir filling port 28 and an integrally molded stopper 29 removably attachable to the filling port.

Regarding claim 8, Myren as modified by Sullins (emphasis on Myren) further discloses the mitt is molded of rubber.

Regarding claims 9-11, 13, 15, see the above paragraphs for explanation.

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4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Myren as modified by Sullins as applied to claim 1 above, and further in view of Kupperman et al. (US 4,107,840). Myren as modified by Sullins is silent about the dense pattern of nibs including a central nib with a plurality of concentric circles of nibs. Kupperman et al. teaches an abrasive hand covering comprising a dense pattern of nibs 70 having a central nib 80 with further concentric circles of nibs 82, 86. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a dense pattern as taught by Kupperman et al. on the palm side of the mitt of Myren as modified by Sullins in order to provide a better and stronger nibs system for engaging a pet's hair.

5. **Claims 7,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Myren as modified by Sullins as applied to claims 1,9,13 above, and further in view of Livshin (US 2,569,067). Myren as modified by Sullins is silent about the mitt further comprising a hanging tab. Livshin teaches a wash mitten in which Livshin employs a hanging tab 44 secured thereto in order to prevent accidental lost or be used by others than for whom it is intended (see col. 2, lines 17-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a hanging tab as taught by Livshin on the mitt of Myren as modified by Sullins in order to prevent accidental lost of the mitt or be used by others than for whom it is intended.

Claim Objections

6. Claim 7 is objected to because of the following informalities: claim 7 has been amended; however, the mark up copy does not show what limitation has been amended. Appropriate correction is required.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4,6-11,13-15 have been considered but are moot in view of the new ground(s) of rejection. However, arguments regarding to Myren, Kupperman will be address herein.

Applicant argued that Myren does not teach the reservoir extending from the top distal fingertip end of the mitt down to a bottom proximal end at the wrist end of the mitt. See the above 103 rejection of Myren in view of Sullens. Note, by having the reservoir extends from the fingertip end to the wrist end in Myren's mitt as modified by Sullens does not altered Myren's invention because the mitt of Myren still would perform the same function as intended. The extended reservoir allows the mitt to hold more fluid and to distribute the fluid evenly throughout the mitt.

Applicant argued that Kupperman et al. do not teach flexible bristles; instead, they teach an abrasive hand covering using pointed extensions, which if employed in a mitt used to clean a pet would certainly injure the animal. Applicant is guided to col. 4, lines 32-33 of Kupperman where they discussed that the material for the pointed extensions is of polyvinyl chloride because polyvinyl chloride is **soft** and pliable. A material that is considered **soft** will not injured an animal as alleged by applicant. In addition, applicant did not claim flexible bristles as argued. Applicant

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claims nibs which do not indicate that these nibs are flexible bristles. The mitt of Kupperman is capable of being used on an animal without injuring it since the material of choice is soft, thus will not hurt the animal.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 8:30 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a

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general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

Son T. Nguyen, *STN*
Patent Examiner, GAU 3643
June 25, 2002

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 333 3643